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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/765,127

01/28/2004

Byung-youn Song

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EXAMINER

DAVIS, DAVID DONALD

ART UNIT

PAPER NUMBER

2627

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DELIVERY MODE

09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/765,127	Applicant(s) SONG ET AL.	
	Examiner David D. Davis	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-51 is/are pending in the application.
- 4a) Of the above claim(s) 1-21, 26-45 and 48-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22, 23, 25, 46 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22, 23, 25, 46 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikegame et al (US 5,208,703). As per claims 22 and 46, Ikegame et al shows in figure 7 an optical pickup actuator having an asymmetric structure for driving an objective lens 1 positioned on a base 5. Ikegame et al also shows in figure 7 a lens holder 3 to hold the objective lens 1; a suspension 14 movably supporting the lens holder 3 so that the lens holder 3 is movable with respect to the base 5; and a magnetic circuit. The magnetic circuit includes a pair of unipolar magnetized magnets 12 positioned on the base 5 to face each other at one side of the objective lens 1, and a coil assembly mountable on the lens holder 3 between the pair of unipolar magnetized magnet. The coil assembly includes a pair of focusing coils 2 positioned in the lens holder 3 between the pair of unipolar magnetized magnets 12, and a plurality of tracking coils 20 positioned on at least one side of the pair of focusing coils 2 to face the unipolar magnetized magnets 12. Ikegame et al shows in figure 7 the magnetic circuit including only a single pair of unipolar magnetized magnets 12.

As per claims 23 and 47, Ikegame et al shows in figure 7 the coil assembly using bulk type coils in which the focusing coils 2 and the tracking coils 20 are previously wound, and the plurality of tracking coils 20 are attached to the pair of focusing coils 2 in the coil assembly. As

per claim 25, Ikegame et al shows in figure 7 the actuator being a two-sided, three axis driving pickup actuator.

Response to Arguments

2. Applicant's arguments filed June 18, 2007 have been fully considered but they are not persuasive. With respect to the second full paragraph on page 13, applicant asserts that the applied prior art does not disclose “only a single pair of unipolar magnetized magnets.” It should be noted that the transitional phrase “comprising”, which is between the preamble and the body of the claim, is synonymous with “including,” “containing,” or “characterized by,” is inclusive or open-ended and does not exclude additional, unrecited elements. See section 2111.03 of the MPEP. Therefore, the applied prior still anticipates the amended claimed invention. Furthermore, applicant sets forth, “the magnetic circuit **includes** . . .” (emphasis added), which is also inclusive or open-ended and does not exclude additional, unrecited elements.

In the ultimate paragraph on page 13, applicant asserts that the applied prior art has magnets that are secured to upright portions as opposed to being positioned on the base, as claimed. The base is a bottom support. The magnets of the applied prior art are not only positioned on the base of Ikegame et al, but also supported by the base of Ikegame et al.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is 571-272-7572. The examiner can normally be reached on Monday thru Friday between 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David D. Davis/
Primary Examiner
Art Unit 2627

ddd